

UNITED STATES DISTRICT COURT

Northern

DISTRICT OF

New York

AGWAY, INC. EMPLOYEES 401(k) THRIFT
INVESTMENT PLAN AND STATE STREET
BANK & TRUST CO.

V.

NELS G. MAGNUSON, et al.

**PARTIAL JUDGMENT IN A CIVIL
CASE**

Case Number: 5:03-CV-1060 (HGM/DEP)

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

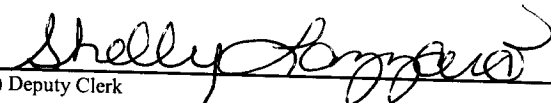
that Mellon Trust has fulfilled the conditions noted in the Order dated November 21, 2005 by U.S. Magistrate Judge David E. Peebles (docket no. 123) and the proposed settlement is APPROVED and the bar order, as revised, has now been issued by the court (docket no. 127). Thus, all Barred Claims, as defined in the court's bar order (docket no. 127) are DISMISSED, and Mellon Trust (as defined by the said bar order) is DISMISSED as a party to the action pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

December 14, 2005

Date

Lawrence K. Baerman

Clerk


(By) Deputy Clerk